

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GREGORY W. SMITH,)	
)	
Plaintiff,)	
)	
v.)	1:17-cv-04694-RLY-MJD
)	
APPLE, INC.,)	
)	
Defendant.)	


**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

On September 18, 2018, the Magistrate Judge issued an order to show cause as to why this matter should not be remanded back to state court because the amount in controversy appeared not to meet the threshold for diversity jurisdiction. (Filing No. 41). After considering the responses, the Magistrate Judge issued a Report and Recommendation, recommending that this case be remanded for lack of jurisdiction. (Filing No. 63). Neither party filed an objection. Consequently, the court reviews the Report and Recommendation for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). After reviewing the parties' arguments and the Report and Recommendation, this court is satisfied that the Magistrate Judge did not commit clear error.

Therefore, the court **ADOPTS** the Report and Recommendation (Filing No. 63) and **REMANDS** this matter back to the Hancock County Circuit Court. Defendant's

Motion for Summary Judgment (Filing No. 44) is **DENIED AS MOOT**. Final Judgment shall accompany this order separately.

SO ORDERED this 3rd day of April 2019.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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